

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

IN RE: SKELAXIN (METAXALONE)  
ANTITRUST LITIGATION

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) MDL Case No. 1:12-md-2343  
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)

This Document Relates to:

) Hon. Curtis L. Collier  
)  
)

END PAYOR ACTION  
INDIRECT PURCHASER FOR RESALE ACTION  
INDIVIDUAL END-PAYOR CLASS ACTIONS

**DECLARATION OF ANDREW K. SOLOW IN OPPOSITION TO PLAINTIFFS'  
MOTION CHALLENGING THE PRIVILEGED STATUS OF INADVERTENTLY  
DISCLOSED PRIVILEGED DOCUMENTS**

I, Andrew K. Solow, declare under penalty of perjury that the foregoing is true and correct:

1. I am a member of the firm of Kaye Scholer LLP, counsel for defendant King Pharmaceuticals LLC (f/k/a King Pharmaceuticals, Inc.)("King").

2. I submit this declaration in support of King's Opposition to the Plaintiffs' Motion Challenging the Privileged Status of Inadvertently Disclosed Privileged Documents.

3. Pursuant to Paragraph 12 of this Court's March 27, 2013 Stipulated Protective Order, [Doc. 130], true and correct copies of the following six Inadvertently Disclosed Privileged Material are being submitted to the Court for *in camera review*:

- a. *In Camera* Exhibit A is a true and correct copy of King's document production Bates Nos. KING\_SKELAXIN\_MDL\_00218816-17: April 07, 2010 Emails To and From Chris Klein, King's In-House Counsel.

- b. *In Camera* Exhibit B is a true and correct copy of King's document production Bates No. KING\_SKELAXIN\_MDL\_01486195: May 28, 2010 Email from Claudia Zumbro, King's Outside Counsel, to CorePharma's Outside Counsel.
- c. *In Camera* Exhibit C is a true and correct copy of King's document production Bates Nos. KING\_SKELAXIN\_MDL\_01486198-99: May 28, 2010 Draft Settlement Letter Agreement to CorePharma; attachment to KING\_SKELAXIN\_MDL\_01486195.
- d. *In Camera* Exhibit D is a true and correct copy of King's document production Bates Nos. KING\_SKELAXIN\_MDL\_00134972-73: July 17, 2003 Emails To and From John Bellamy, King's General Counsel.
- e. *In Camera* Exhibit E is a true and correct copy of King's document production Bates Nos. KING\_SKELAXIN\_MDL\_00134978-79: July 15, 2003 Email to John Bellamy, King's General Counsel.
- f. *In Camera* Exhibit F is a true and correct copy of King's document production Bates No. KING\_SKELAXIN\_MDL\_01486221: February 8, 2005 Email From James Elrod, King's General Counsel.

4. Metadata produced to Plaintiffs with KING\_SKELAXIN\_MDL\_01486198-99 confirms that this document was an attachment to KING\_SKELAXIN\_MDL\_01486195.

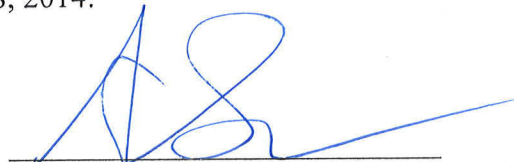
5. At the direction of the Court, a copy of the Inadvertently Disclosed Privileged Material submitted to the Court for *in camera* review is being sent to Plaintiffs' Counsel Greg Linkh.

6. Attached as Exhibit 1 is a true and correct copy of Plaintiffs' First Request for Production of Documents, dated November 30, 2012.

7. Attached as Exhibit 2 is a true and correct copy of End Payor Plaintiffs' Second Request for Production of Documents, dated December 14, 2012.

8. Attached as Exhibit 3 is a true and correct copy of Letter from Andrew K. Solow, dated December 31, 2013.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 08, 2014.



Andrew K. Solow